

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2411

Introduced by Assembly Member Bonta
(Coauthor: Assembly Member Skinner)

February 21, 2014

An act to add Section 686.3 to the Penal Code, relating to eyewitness identification.

LEGISLATIVE COUNSEL'S DIGEST

AB 2411, as amended, Bonta. Eyewitness identification: guidelines.

Existing law governs criminal procedure, but does not regulate how law enforcement officials prepare or conduct eyewitness photo or live lineup identifications.

This bill would require the Attorney General to develop a set of guidelines governing the collection of eyewitness evidence in showups, photo arrays, and live lineups, ~~as specified~~, on or before January 1, 2016. The bill would require the Attorney General to develop the guidelines by collecting and reviewing the current best practices to reduce the misidentification of persons in eyewitness lineups that are in use in this state ~~and in other states~~, *as specified*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 686.3 is added to the Penal Code, to read:

1 686.3. (a) This section shall be known and may be cited as the
2 Witness Identification Accuracy Enhancement Act.

3 (b) On or before January 1, 2016, the Attorney General shall
4 develop a set of guidelines governing the collection of eyewitness
5 evidence in showups, photo arrays, and live lineups. ~~The guidelines~~
6 ~~shall include, among other requirements, a requirement that the~~
7 ~~administrator of a lineup be a neutral independent administrator,~~
8 ~~when feasible, and that a person who is familiar with the identity~~
9 ~~of a suspect who is participating in a photographic lineup or~~
10 ~~physical lineup shall not be present during the conduct of the~~
11 ~~photographic lineup or physical lineup.~~

12 (c) The Attorney General shall develop the guidelines described
13 in subdivision (b) by collecting and reviewing the current best
14 practices to reduce the misidentification of persons in eyewitness
15 lineups that are in use in ~~this state and in other states.~~ *California.*
16 *As part of the collection and review, the Attorney General shall*
17 *specifically take into account local procedures requiring that*
18 *lineup administrators be neutral and independent and procedures*
19 *that prohibit a person who is familiar with the identity of a suspect*
20 *from being present while the lineup is conducted.*